

In re Application of: WALLACH et al  
 Application No.: 08/485,129  
 Filed: June 7, 1995  
 For: ISOLATED DNA ENCODING TUMOR NECROSIS FACTOR BINDING ...

Art Unit: 1644  
 Examiner: R. Schwadron  
 Washington, D.C.  
 Atty.'s Docket: WALLACH=5B  
 Date: July 8, 1999

#23

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231

Sir:

Transmitted herewith is a ☐ Amendment ☒ Supplemental Communication and 3 certified Israel priority documents (91229, 94039 and 90339) in

the above-identified application.

☐ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

☒ No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	*	MINUS	**	=	x 9	\$		x 18	\$
INDEP.	*	MINUS	***	=	x 39	\$		x 78	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+130	\$		+ 260	\$
					TOTAL	\$	OR	TOTAL	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 55.00

☐ Second - \$190.00

☐ Third - \$435.00

☐ Fourth - \$680.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

☐ First - \$ 110.00

☐ Second - \$ 380.00

☐ Third - \$ 870.00

☐ Fourth - \$1360.00

Month After Time Period Set

☐ Less fees (\$ ) already paid for month(s) extension of time on

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ .

☐ A check in the amount of \$ is attached (check no. ).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR Section 1.18.

BROWDY AND NEIMARK, P.L.L.C.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BY HANDCARRYING

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David WALLACH et al	)	Examiner: R. Schwadron
Appln. No.: 08/485,129	)	Washington, D.C.
Filed: June 7, 1995	)	July 8, 1999
For: ISOLATED DNA ENCODING TUMOR)	)	Atty.Docket: WALLACH=5B
NECROSIS FACTOR BINDING	)	
PROTEIN II, AND VECTORS,	)	
HOSTS AND PROCESSES USING	)	
SUCH DNA	)	

SUPPLEMENTAL COMMUNICATION

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Supplementing the amendment filed on May 25, 1999, applicant has now obtained additional certified copies of the three Israeli priority documents 91229, 94039 and 90339 and same are attached hereto. Acknowledgment by the PTO of the receipt of these priority documents is respectfully requested.

It is believed that the submission of these priority documents now obviates the rejection of claims 11-13, 35-38, 43, 44 and 46-49 under 35 USC 102(e) as being anticipated by the Smith reference of record in this case. Applicants believe that with the submission of these priority documents, the examiner can now fully satisfy himself that the claims now present in the case are supported at least by the earliest of these priority documents, i.e., Israel application 90,339 filed May 18, 1989. Reconsideration and withdrawal of this rejection are therefore respectfully urged.

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In re Appln. NO. 08/485,129

It is again submitted that all of the claims now present in the case clearly define over the references of record. Reconsideration and allowance are therefore earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.

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